



MILPITAS PLANNING COMMISSION STAFF REPORT

January 28, 2015

APPLICATION: **Linear Tech Special Events, Conditional Use Permit No. UP15-0001,**

A request for a Conditional Use Permit to waive the limit on the number of special event occurrences per calendar year and to waive the minimum lapse period between each event.

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 15-005 to approve Conditional Use Permit No. UP15-0001 to waive the special event requirements for Linear Tech located at 790 Sycamore Drive, subject to conditions of approval.**

LOCATION:

Address/APN: 790 Sycamore Drive (APN: 086-03-022)

PEOPLE:

Project Applicant: Trish Johnson, Stuart Rental Company
Consultant(s): Same as applicant
Property/Business Owner: Alexander McCann
Project Planner: Tracy Tam, Assistant Planner

LAND USE:

General Plan Designation: Industrial Park (INP)
Zoning District: Industrial Park (MP)
Overlay District: Recreation and Entertainment Overlay (RE)

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA).

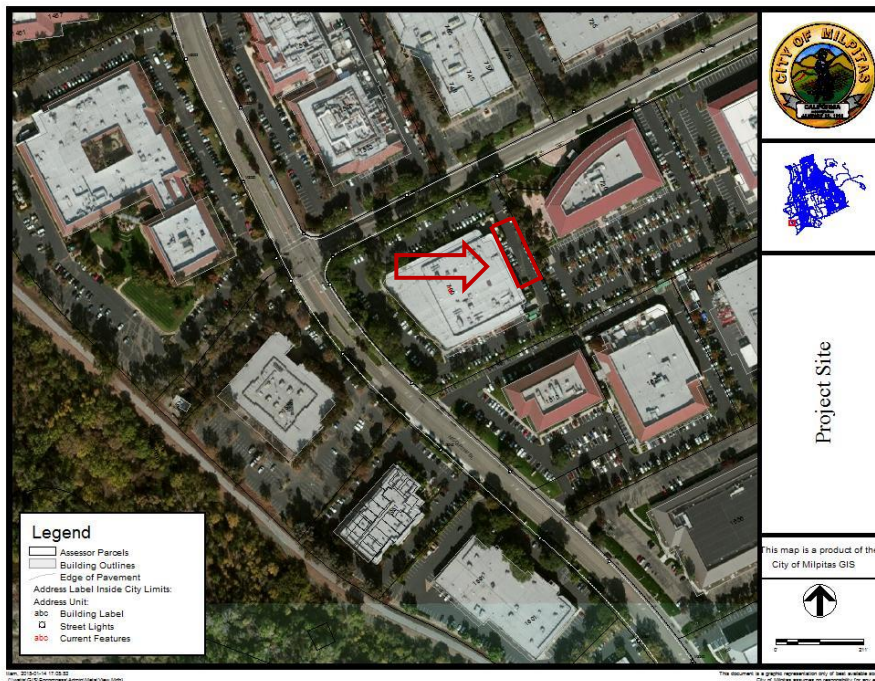
EXECUTIVE SUMMARY

The applicant is requesting a Conditional Use Permit to waive the limit on the number of special event occurrences per calendar year and to waive the minimum lapse period between each event. Per Section XI-10-13.11(G) of the Milpitas Municipal Code, an exception to the number of event occurrences and time lapse may be granted by the Planning Commission with a Conditional Use Permit. As the Zoning Code states, there is a maximum of four (4) event occurrences per calendar year and a minimum of thirty (30) days must lapse between each event occurrence. The applicant is requesting a waiver of these requirements for purpose of having quarterly company parties for the employees.

Map 1 Project Location



Map 2 Project Site



BACKGROUND

History

Linear Technology has applied for Minor Site Development Permits to host outdoor special events for their employees since 2008.

On January 6, 2015, the Planning Division approved a minor site development permit for a special event for Linear Technology for January 16th. Because the next event is scheduled for February 3rd and is less than thirty (30) days after the January 16th event, the applicant is requesting a Conditional Use Permit to waive the minimum thirty (30) day lapse period between each event.

The Application

The following is a summary of the applicant's request:

- *Conditional Use Permit:* to waive the limit on the number of special event occurrences per calendar year and to waive the minimum lapse period between each event.

PROJECT DESCRIPTION

Overview

The applicant is requesting a Conditional Use Permit to have a total of five (5) special events during the 2015 calendar year and to waive the thirty (30) day minimum lapse period between each event. The five (5) special events are scheduled to be on January 16th, February 4th, April 17th, July 24th, and October 16th. The events are scheduled from 3pm to 6pm and approximately 600 people are expected to attend. The applicant has hired a catering service that will cook various food items on site using a charcoal grill. These events are not open to the public and are intended to be an employee appreciation event.

The following table details the lapse period between each event:

Events	Lapse Period
From January 16 th (previously approved under permit MS14-0078) to February 4 th	18 days
From February 4 th to April 17 th	72 days
From April 17 th to July 24 th	97 days
From July 24 th to October 16 th	83 days

As shown in the chart, the events from February 4th to October 17th are in compliance with the thirty (30) day minimum lapse period. The only event that is not in compliance with the thirty (30) day lapse period is the February 4th event.

The applicant is proposing to place tents towards the rear of the building in the parking lot area. The proposed event location does not face any public streets. Depending on weather conditions,

the applicant is proposing to have two (2) tent setups. The first setup is one large tent enclosure with tables contained within and the second setup is five smaller tents with tables under the tent. The applicant is seeking approval for both setups so they can adjust which setup to use depending on weather conditions.

Location and Context

The project site is zoned Industrial Park (MP) and is surrounded by parcels to the north, east, and south with the same zoning designation. The parcels east of the project site is zoned Light Industrial (M1). The special events will be conducted exclusively on private property. As shown in Attachment B and as stated previously, the location of the event will be towards the rear of the building in the parking lot area. Vicinity and location maps of the subject site location are included on the second page.

PROJECT ANALYSIS

General Plan and Zoning Conformance

General Plan

The project conforms to the General Plan in that it assists with employee retention by providing a quarterly employee appreciation event.

Zoning Ordinance

The project conforms to the regulations in the Zoning Ordinance in that as a condition of approval, the applicant shall ensure that the site will be free of debris, litter, or any other evidence of the temporary use.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57.04(F))

- 1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare;*

The project is consistent with this finding because the special events are temporary and only open to employees and is located towards the rear of the building in the parking lot area. The project will provide five (5) fire extinguishers, four (4) luminous exit signs and four (4) no smoking signs. The special events will be held generally from the hours of 3:00pm to 6:00pm and the Applicant will be required to remove all debris and litter after the event.

- 2. The project is consistent with the Milpitas General Plan.*

The project is consistent with the General Plan, specifically with the following policy:

- Policy 2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.

The project is consistent with this finding because the purpose of the special events is for Linear Technology to show appreciation for their employees. This will encourage economic pursuits by assisting with employee retention.

3. The project is consistent with the Milpitas Zoning Ordinance.

The project is consistent with this finding because as a condition of approval, the applicant shall ensure that the site is free of debris, litter or any other evidence of the temporary use. Additionally, with approval of a Conditional Use Permit, the Planning Commission may waive the limit on the number of special vent occurrences in a calendar year and the minimum lapse period between each event.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15304 of the CEQA Guidelines (Minor Alterations to Land) because it will not have negligible or permanent effects on the environment due to its temporary status.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on January 16, 2015. (Two Fridays before the meeting) In addition, 128 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CONCLUSION

The applicant is requesting a Conditional Use Permit to waive the limit on the number of special events occurrences per calendar year and to waive the minimum lapse period between each special event. The maximum number of special events per calendar year is four (4) and the minimum lapse period is thirty (30) days. Both of these requirements can be waived through a Conditional Use Permit. The project is consistent with the findings for a Conditional Use permit and is consistent with the General Plan and Zoning Ordinance.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution 15-005 to approve Conditional Use Permit No. UP15-0001 to waive the special events requirements for Linear Technology located at 790 Sycamore Drive, subject to the findings and conditions of approval.

ATTACHMENTS

A: Resolution 15-005

B: Special Event/Activity Information Packet, Site Plan